

DISTRICT II ADVISORY BOARD MINUTES

**May 5, 2003
7:00 p.m.**

The District II Advisory Board meeting was held at 7:00 p.m. at Rockwell Branch Library 5939 E. 9th St. North. In attendance were ten (10) District Advisory Board Members, four (4) City Staff, and eighteen (18) citizens.

Members Present

John Fuller
Michele Chauncey
Kathy Wegner
Larry Frutiger
Martha Bruce Fair
Ray Hinderliter
Shirley Jefferson
Joe Johnson
Mike Jones
Marla Flentje

Members Absent

Tim Goodpasture

Staff

Aaron Hamilton, Neighborhood Assistant
Scott Knebel, M.A.P.D.
Bill Longnecker, M.A.P.D.
Scott Logan, Public Works

ORDER OF BUSINESS

Call to order at 7:00 p.m.

Approval of Agenda for May 5, 2003 - 7:0

Councilmember Schlapp - Thanked everyone for coming and thanked the DAB members for helping her out with her first DAB meeting.

Public Agenda

The Public Agenda contains requests from members of the public who desire to present matters to the District Advisory Board. Each presentation is limited to a period of five (5) minutes unless extended by the Board.

1. Scheduled items

No items scheduled

2. Off-Agenda items

Public Works Agenda

4. **4 way Stop at Rockwood and Hampton - Scott Logan, Traffic Engineer**, gave a background on how the issue came to the DAB. A 4-way stop was considered as one remedy to control speeding and traffic flow. The intersection did not meet warrants as defined by a national standard. Staff recommends not installing a 4-way stop sign, but would like to proceed with installation of a larger stop sign and to continue working with the property owner whose tree blocks the view of drivers on Rockwood.

The following are questions and comments from the Board and citizens. Answers are in italics where applicable.

Michele Chauncey - How have you notified the neighbors? How soon does the owner have to comply? *Staff has spoken to property owner. Logan suggested revisiting the issue in six months after trying a larger stop sign.*

Ray Hinderliter - Has the owner agreed to trim the tree? *Staff has talked to the owner but no progress has been made yet.* Aren't they in violation of city code? *Yes.*

Martha Bruce Fair - Have they been told before? *Staff did speak to them.* It's still an obstruction even with a 4-way Stop sign. Will trimming of the tree be monitored? *Yes, the owner has 10 days from receipt of a certified letter sent by the City.*

Laura Harmon - Doesn't see the tree as a problem. People run the stop sign daily. Asked to revisit when Central is done. There are no cross streets between Armour and Woodlawn.

Martha Bruce Fair - Would if help is Patrol East watched intersection? **Laura H.** - *between 3 and 7p.m. Traffic comes from Towne East and Aircraft manufacturing.*

Michelle C. - Would a larger Stop sign help? *Yes.*

John Fuller - What about Stop signs on Rockwood? *No.*

Board Action: A motion was made to direct staff to install a larger stop sign and revisit the issue in six months (Chauncey/Bruce-Fair). Motion passed 7:0.

Planning Agenda

3. **CUP 2003-18 DPP 200 Amendment #3** - Scott Knebel, MAPD, presented a proposed amendment to a previously submitted CUP located just south of 21st and west of Webb Road. Staffs only concern was verbiage of the application. Staff is requesting approval subject to conditions listed in the staff report.

Chauncey – Is this request for standard signage? *Not sure.* Were there any comments from town homes to the south? *Tex Donaldson spoke on behalf of the town homes later in the meeting.*

Rob Hartman - Property Engineering Consultants, the site is currently surrounded by medical offices. They are seeking commercial signage provisions with corporate colors. Signage would not face the town homes.

Larry Frutiger - Asking for what is shown (a picture of the proposed sign was passed around by the applicant)? *Yes.* **Frutiger** agrees with staff comments.

Bruce-Fair. - Where is it located? *Behind Walgreen's.*

Johnson – Was anything planned for lot 12? *A bank. Split parcel 12? Yes, into two (2) buildings. Signage would face Webb Road. Nothing would face the Clubhouse.*

Tex Donaldson – Representing town homes, his concerns were all addressed. He supports the requested sign change.

Board Action: A motion was made to approve Recommended Action: MAPD recommends approval subject to conditions (Chauncey/Johnson). Motion passed 8:0.

4. **CON 2003-07 - Bill Longnecker, MAPD**, presented this request for a Conditional Use to allow a car wash within 200 ft. of a residential area in a "GC" General Commercial zoning district. The property is generally located at the southwest corner of Kellogg - US Highway 54 and Greenwich Road. The property is currently zoned "GC" with 15 homes existing in the area. SF-5 zoning exists across from existing housing. The site is vacant where proposed car wash will go. The proposed car wash will be completely enclosed. There is a door at the south end that the cars can exit from. The detailing is done inside the building. The business will be open 7:00 a.m. to 12:00 p.m. Only passenger cars and light trucks can use the facility. Improvements to Kellogg and Greenwich will be happening in the future. Considerable drainage existing in the area. Staff recommends approval if conditions (on page 4: A-K) are met. This item would not be required to go to Council. No calls or written protests were submitted. One person at the MAPC meeting asked about future traffic design. MAPC has already approved the request.

The following are questions and comments from the Board and citizens. Answers are in italics where applicable.

Joe Johnson - Has the City purchased what they need for Kellogg expansion? *Yes.*

Marla Flentje - Have all the residents been notified? *Yes.* How far will the car wash be from residential property? *60'* Is there solid screening? *Yes, a fence will be built.*

Brian Richardson, representing the applicant - Agrees with the staff recommendations. He also presented pictures of the proposed car wash.

Michele Chauncey - How many employees will the car wash have? *30 to 35 depending on the time of year. Never less than 15.*

Charlotte Foster – Will it be totally enclosed? *Yes.*

Board Action: A motion was made to approve Recommended Action: MAPD recommends approval subject to conditions (Flentje/Jones). Motion passed 9:0.

5. **ZON 2003-17 - Bill Longnecker, MAPD**, presented this request for a zone change from "SF-5" Single family Residential to "LI" Limited Industrial. The property is generally located north of 43rd St. North and west of Webb Road. The business would be a dietary supplement business. The area is surrounded by "SF-5". Surrounding zoning is "SF-5". Was suburban residential. Some surrounding property is not yet developed. There is extensive "LI" zoning very nearby. The property could be developed as "SF-5", as existing water lines are nearby without sewage. MAPC recommended "OW". Environmental Health said "OW" would require sewage. Staff believes the property should be low-density zoning. Staff recommends denial based on the findings of p. 4 of the staff report. MAPC thinks "OW" but staff still sees "SF" residential as appropriate zoning for the property. Changes to the staff report include section D, line 9 and 10 on "PO" for nursery and medical facilities.

The following are questions and comments from the Board and citizens. Answers are in italics where applicable.

Michele Chauncey - Never saw development signage. Has the area been notified? *Yes, and the signage has been posted twice.*

Kim Edgington - Representing applicants. The company is seeking new property, specifically, the property being discussed. They hope other medical facilities will cluster near this facility to do research. Products would be packaged on site. They are planning a stucco-type building with setbacks, landscaping, and an overall quiet use. This facility is expected to exclude almost all offensive uses - high traffic, noise, etc. The cost to bring sewer here is exorbitant. Property owners of "SF-5" zoning would never get their money back on their sewage investment should they choose to have a sewer line installed. Referred to the Jabara Master Plan and the fact that it recognizes some nearby uses that are not compatible with the airport. Expansion allows business to add employment locally. They have met with neighbors and understand their concerns.

Johnson - Is the 1.7 acres - owned by applicant? *Yes.* Present use allowed under LI? *Yes, but offering "PO".*

Shirley Jefferson - What are neighbor concerns? *They would rather use residential developer.*

Michele Chauncey - This property is literally surrounded by houses. Why not move across Webb? *Property not available. Budget is a constraint. The Aghakhari's have made a substantial investment in building and machinery.*

Mark Aghakhari - Owner of Ancient Formulas, Inc. They are the only manufacturer of this type in Kansas. Other states have asked them to move but they want to stay here due to family. They currently have to contract out some work that could be done here costing the city and state money.

Mike Wallace - Just bought home in the area. Has 6 kids under the age of 8. Jabara airport is south and east of the neighborhood so not a big deal to residents in terms of creating traffic and noise. He is concerned about breaking up "SF-5" zoning for a business in the middle of a neighborhood.

Darren Stone - grandfather bought land he lives on, he thinks it should remain "SF-5" Thinks spot zoning sets a bad precedent.

Helen Bogart - Owns 2 lots just south of site. Wants to see it remain residential.

Dave Mollhagen - Wants residential lots and if the neighborhood can't have that, please keep development as restrictive as possible.

Joe Johnson - In order to use property as proposed, would sewer have to be extended? *According to Environmental Health, Yes. If extended, would residents be charged? If petition w/50% of residents signed up. Could the business pay for it? Would have to get Public Works to hook it up.*

Ray Hinderliter - Would applicant have to pay for extension of sewer? *Applicant can pay for 100% of line but residences would only pay connection and "assessment in lieu of".* Could the applicant buy other property?

Kim Edgington - Much expense is already tied up in property. The owners do not have the capital to make that kind of purchase.

Mike Jones - Why did this zoning get by on the original purchase?

Joe Johnson - Concerned about changing comprehensive plan.

Larry Frutiger - Concerned about existing zoning.

Board Action: A motion was made to deny the zone change (Flentje/Chauncey). Motion passed 7:2). A second motion was made to reconsider for discussion as this step was skipped (according to Robert's Rules of Order) (Johnson/Jones). Motion passed 7:3.

After no further discussion, the board moved to oppose the zone change (Frutiger/Bruce-Fair). Motion passed 8:1.

6. **CON 2003-08 - Scott Knebel, MAPD** presented this request for a Conditional Use "CU" for a 135 foot high wireless communication facility disguised as a flagpole on property zoned "LC" Limited Commercial. The property is generally located 600 feet east of Woodlawn south of Kellogg (6603 E. Kellogg). The board has considered this item before. Passed around picture of flagpole. The base of the pole is 46" while the top is 30". It is located behind Gump Animal Hospital. **Knebel** also explained surrounding elevations. A 90-foot tower would show beyond the existing hotels.

The following are questions and comments from the Board and citizens. Answers are in italics where applicable.

Joe Johnson - How far can you go above the building? *20 ft.* Where is the closest comparable tower? *Joe Self, 150 ft.*

Michelle Chauncey - Does MAPD verify applicant's needs? *No they take applicants at their word.* She spoke to the Veterans Hospital; they said they are not required to remove antennas. How much does the staff double check height with the people who created the comprehensive wireless plan? Referred to the wireless plan and the City needing to get more pro-active to put cell towers on existing structures.

Marla Flentje - Last time property owner filed protest. *Didn't do so this time.*

Julie Jefferson - Regarding verification of sources? Are they not verified because of lack of resources or good faith? *Standard practice.*

John Fuller - How tall are light poles on Kellogg? *About 30 ft.*

Michele Chauncey - Did staff address lighting issue? *MAPC recommended allowing lighting that requires Council approval.*

Larry Frutiger - Pointed out a typo. *Clarification: One of the conditions is not to have the flag up at night.*

Michele Chauncey - If illuminated, the request goes against p. 31 of the Wireless Master Plan. Referred to size of flag and number of people to raise and lower. *Staff has not heard from the Steven Motor Group as to whether or not they would raise and lower the flag on a daily basis.*

Mike Jones - Who is responsible for the flag? *Gump Animal Hospital.* Enforcement? *The City would issue citations and the courts would rule on what repercussions violations would carry.*

Greg Ferris – **representing the applicant**, said there was no way to get the flag on the V.A. building. V.A. property did not work out. He received a call from the V.A. that they would have to get approval from the Federal Government to negotiate placing the tower on V.A. property. The applicant considers the current site good because it's commercial. **Ferris** presented drawings of different coverage's by different pole s. This would be the number one site for Cricket in a six-state area. Cricket needs the antennae's at Kellogg and Woodlawn. The wireless plan encourages stealth flag poles is why they chose that design. Eddy's Toyota cannot use the flagpole for business. He believes the applicant meets wireless master plan approval. He pointed out that if Eddy's Toyota wanted to do the same thing, they wouldn't have to go through this process. The applicant believes it should be lighted because the flagpoles can be lighted. They are asking for approval as MAPC recommended.

Michele Chauncey – Is the intent to be 165-foot pole eventually? *It is not their intent, requirement in wireless plan. The tallest pole he's done was 155 feet.*

Michelle Chauncey – Is this a coverage or capacity issue? *Both.*

Joe Johnson – Are there any other applications from providers along Kellogg? *No.* Are any towers on Lincoln St. 165 foot? *Yes, but it is a monopole*

Larry Frutiger - Could a flagpole be erected? *Yes without going to DAB.* The issue is the appearance of "giant tower". How far could you see it? *Can't see it from the airport.*

The Board keeps getting asked to make decisions with little or no information. **Frutiger** requested pictures and artistic drawings which he felt would help tremendously in the decision making process.

Charlotte Foster - Says it is a residential area.

Marcellene Wangemann - Would the lights shine in her yard? *No, they would focus only on the flag.*

Andy Kimmer – Thinks it is a residential area. He asked who oversees Kellogg beautification and expansion as he thinks the flagpole opposes beautification. Where is a 165-foot pole in relation to residences? He was concerned about the impact on the area.

Alan Joseph - Concerned the case hasn't been proven. The applicant used a self-serving rationale. Thinks there should be a third party analysis. The Hillcrest building is available. The Mayor from Eastborough and other residents oppose the tower. They prefer 80- foot monopoles. He plans to file an appeal.

Greg Ferris – The radio emissions from the base of a communications towers are equivalent to a microwave oven. He pointed out there is a 165-foot tower at 37th and Amidon.

Mike Jones - Will flagpole be extended eventually? *Yes*. Will the pole be white? *Yes, it is made of a micro fiber*.

Joe Johnson - What changed the original approval?

Michele Chauncey – *How far away are the apartments behind the proposed tower? 150 ft.*

John Fuller - Who reviews beautification of Kellogg?

Michele Chauncey - What if they don't comply with flag, then what? *They would be cited, judge would decide.*

Joe Johnson –What is the maximum height without DAB approval?

Ray Hinderliter - Would vote against the motion to deny.

Board Action: A motion was made to deny the recommendation (Chauncey/Wegner). The motion failed 4:4.

A second motion was made to adopt the CUP with no lights as recommended by staff (Jones/Frutiger) The motion passed 5:3.

Board Agenda

7. Updates, Issues, and Reports

No updates were given. A discussion took place regarding the verification process of presentations to the DAB. Is staff following up with facts presented by zoning applicants?

Board Action: A motion was made to ask staff to use whatever resources at their disposal to verify and confirm sources and facts presented by citizens (Johnson/Bruce-Fair). Motion passed 9:0.

The meeting was adjourned at 10:00 p.m.

GUESTS

Darrin Stone, 4321 N. Cypress
Mohammad Aghakhari 7541 Killarney Pl.
M.R. Donaldson 9400 Wilson Est. Pkwy #303
Marcellene Wangemann, 6331 E. Orme
Laura Fulton-Harmon, 6715 Rockwood
Charlotte Foster 702 Courtleigh Dr.
Al Joseph, 22 Willowbrook
Lawrence Bechtold 1106 S. Governour
Andy Kemmer, 15 Lakeside Blvd.

Mark Aghakhari, 638 W. 33rd N.
Helen Bogard, 9328 E. 42nd N.
David Mollhagen, 4741 N. Cypress
Brian Richardson, Salina KS
Paul Ferguson 5940 E. Central
Kim Edgington, 142 N. Emporia
Serena Metcalf, 7521 Norfolk Cir.
Jim Marte, 1999 Anna
Mike Wallace 4325 N. Webb Rd.